

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA :  
 :  
V. : CASE NO.: 1:20-CR-00072-MSM-LDA  
 :  
DAVID BUTZIGER :

**DEFENDANT'S MOTION TO MODIFY CONDITIONS OF  
HOME DETENTION AND SUPERVISED RELEASE**

Defendant, David Butziger, by and through counsel, hereby petitions this Honorable Court for permission to modify his current conditions of home detention and supervised release by empowering U.S. Probation to authorize him to travel out-of-state and overnight, on an as-needed basis, solely for employment. As grounds, Mr. Butziger avers the following:

1. Mr. Butziger was charged via criminal information with Conspiracy to Commit Bank Fraud in violation of 18 U.S.C. § 1349.
2. He admitted guilt on September 18, 2020 and was sentenced on February 9, 2022 to a sentence of time served, following by three years of supervised release. The Court further ordered that the first six months of this sentence be served on home detention with exceptions for work, medical, legal, or religious purposes.
3. Mr. Butziger is self-employed in the following capacities, all of which were known to the Court, government, and U.S. Probation at the time of his sentencing.
  - a. First, Mr. Butziger performs maritime drug testing and accident investigations of boat operators, captains, and crew members. In this capacity, he offers these services contemporaneous with a boat accident or other incident requiring boat personnel to undergo drug testing or investigation. This work, at times, is

required at night, on weekends, out of state, overnight, and on short notice.

Essentially, it is provided on an on-call and as-needed basis.

- b. Second, Mr. Butziger also performs boat repair and boat transport work for various maritime vessels.
  - c. Third, Mr. Butziger provides remote and onsite information technology repair, installation, maintenance, and troubles-shooting services.
  - d. Fourth, Mr. Butziger organizes and administers gymnastic events, which often occur out of state.
4. Some of Mr. Butziger's forms of employment, at times, require out-of-state and overnight travel.
  5. While on supervised release, to include for his six-month period of home detention, Mr. Butziger asks the Court to authorize U.S. Probation to approve out of state travel and overnight stays, when needed for employment purposes only.
  6. Because Mr. Butziger is presently on electronic monitoring, he is supervised by U.S. Probation Office David Picozzi who is aware of and recommended the filing of this motion. U.S. Probation has no objection to and supports this request.
  7. The government has no objection to and supports this request.
  8. Mr. Butziger is in full compliance with all other terms of his supervised release.
  9. Based on the foregoing, Mr. Butziger respectfully request that this motion be granted.

Respectfully submitted this 15<sup>th</sup> day of February 2022.

Respectfully submitted  
Defendant,  
David Butziger,  
By his Counsel

/s/ John L. Calcagni III, Esq.  
John L. Calcagni III (Bar No.: 6809)  
Law Office of John L. Calcagni III, Inc.  
72 Clifford Street, Third Floor  
Providence, RI 02903  
Phone: (401) 351.5100  
Fax: (401) 351.5101  
Email: [jc@calcagnilaw.com](mailto:jc@calcagnilaw.com)

**CERTIFICATION**

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered Participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as nonregistered participants on February 15, 2022

/s/ John L. Calcagni III, Esq.  
John L. Calcagni III (Bar No.: 6809)  
Law Office of John L. Calcagni III, Inc.  
72 Clifford Street, Third Floor  
Providence, RI 02903  
Phone: (401) 351.5100  
Fax: (401) 351.5101  
Email: [jc@calcagnilaw.com](mailto:jc@calcagnilaw.com)